



June 9, 1998

Ms. Diane B. Goode, Director
Office of Civil Rights
U.S. Environmental Protection Agency
Mail Code: 1201
Washington, DC 20460

Re: Select Steel Permit #579-97 - Michigan DEQ

Dear Mr. Goode,

We wish to file a formal appeal to the EPA's Office of Civil Rights under Title VI of the Civil Rights Act of 1964 as amended for grievous discriminatory effects resulting from the State of Michigan's Air Quality Division of the Department of Environmental Quality issuing a permit to construct to Select Steel #579-97.

The procedure was hastily sped through, and shepherded by the DEQ ^{ed} the permit process to avoid having to comply with Judge Archie Hayman's decision of May 1997. This decision is being formally appealed today (June 9) in the Michigan Court of Appeals. His decision states that the State of Michigan be responsible to insist:

- a) A company perform an EIS for each new facility that would constitute a source of pollution in any area.
- b) The Michigan Department of Environmental Quality assess the cumulative pollution in an area where a new facility is proposed.
- c) There be "meaningful participation" by citizens in the permitting process, including those who lie outside the polity where the facility would be constructed when those people would be seriously impacted by the pollution
- d) de facto the same unfair and disparate burden of pollution will fall on a group of minority, low income people, as in the case already before the EPA (St. Francis Prayer Center Appeal of January 1992 against the Genesee Incinerator, north of Flint, Michigan and for which we are still waiting for a decision.

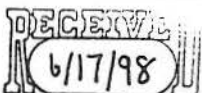
We look forward to and urge a restraining order as soon as possible. Hopefully waiting since 1992 for an answer to restrain an incinerator which is fully operational and polluting (on EPA's frequent violator's list) is not unreasonable.

We await your prompt and decisive action!

Sincerely yours,

Fr. Phil Schmitter
Fr. Phil Schmitter
Co-Director

Sister Joanne Chiaverini LHM
Sr. Joanne Chiaverini
Co-Director



Office of EPA 6998